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Held at the Palais des Nations, Geneva,
on Thursday, 29 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY Mr. THORBJØRN JAGLAND, MINISTER FOR FOREIGN AFFAIRS OF NORWAY

1. Mr. JAGLAND (Norway), after paying tribute to the United Nations High Commissioner for Human Rights, Mrs. Robinson, said that the struggle for human rights was every Government's struggle and involved dialogue, based on mutual respect and cooperation, rather than condemnation. Human rights were universal rights. Ensuring that they were respected was essential for peace, economic growth and political stability.

2. Like the High Commissioner and other speakers, he considered that the fight against racism, xenophobia and intolerance should be a priority objective of the international community and, in that connection, he welcomed the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa. No country could claim to be free of discrimination. Norway itself in the last few years had witnessed a number of unpleasant incidents in that regard. His country was preparing to adopt new laws on the subject, while acknowledging that legislation alone would not suffice to eradicate racism. It was attitudes that had to be changed, and there Governments had to take the lead.

3. He called on the Commission to take a firm stance against the death penalty, which was a terrible practice that must be abolished. Torture was totally unacceptable regardless of the circumstances, and he welcomed the announcement made the week before on behalf of the European Union by Ms. Anna Lindh, Minister for Foreign Affairs of Sweden, that the Union was working on guidelines against the practice. Lastly, Norway welcomed the appointment of a Special Representative on Human Rights Defenders and looked forward to her first report.

4. Discrimination against women occurred in a very large number of countries and in all areas of life. It must be brought to an end. Particular attention should be given to the protection of young women who were the object of trafficking for sexual and other purposes. Another particularly abhorrent practice was that of female genital mutilation. In that regard, the Government of Norway had adopted a plan of action to help eradicate the practice in Norway. Norway welcomed the decision to establish a permanent forum for indigenous peoples within the United Nations. In that context, it was essential to adopt the Declaration on the Rights of Indigenous Peoples before the end of the International Decade of the World's Indigenous People.

STATEMENT BY Mr. MILOVAN BLAGOJEVIC, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA

5. Mr. BLAGOJEVIC (Bosnia and Herzegovina), reporting on human rights developments in Bosnia and Herzegovina, said the Government which had emerged from the general elections of November 2000 was composed of several parties of the former opposition, and had drawn up a programme of activities directed to the establishment of a viable and functioning civil society, a sustainable market economy, democracy, the rule of law and respect for human rights. The establishment of the Ministry for Human Rights and Refugees would enable problems to be better addressed and human rights violations to be ended. However, the slow pace of

implementation of the decisions taken meant that the expectations of the various categories of the population were still not satisfied. In some cases fundamental rights were not respected.

6. Nevertheless, there was a genuine improvement in the situation, even if it was not spectacular. It was the result not only of resolute action on the part of the country's institutions but also of the tireless efforts of international institutions which had facilitated the implementation of programmes to improve the social, economic and political situation, to strengthen security, to facilitate the return of refugees and to promote the independence of the media and of the judiciary. The democratization process in neighbouring countries had had a positive impact on Bosnia and Herzegovina, particularly with regard to implementing programmes for the return of refugees. There was no doubt at all that those efforts also met the need for the promotion of regional cooperation in the context of the Stability Pact for South-Eastern Europe.

7. Bosnia and Herzegovina was convinced that in all countries of the region the most pressing problems were the return of refugees and the restitution of their property, trafficking in women, smuggling of illegal immigrants, the protection of State borders and cooperation between border control services, as well as the prosecution of war criminals. The country was no longer endangered by military operations, but it was threatened by insecurity and increasing violations of human rights resulting from sizeable migration flows and clandestine immigration. The persistence of old-style policies and a nationalistic climate in some regions, coupled with the results of local elections held in April 2000 and general elections held in November 2000, went a long way to explaining why Bosnia and Herzegovina did not meet the criteria for membership of the Council of Europe or the obligations imposed by the Peace Implementation Council.

8. The Constitutional Court of Bosnia and Herzegovina, in a decision adopted in the middle of 2000, had recognized that the country's three peoples had the right to vote throughout its territory, thereby eliminating one of the main sources of discrimination. That decision should lead entities to change their legislation so as to recognize the principles of equality, tolerance and respect of difference. As for the reconstruction of the Banja Luka mosque, the City Urban Planning Department had authorized the work to begin. The reform and professionalization of the police had meant that human rights could be better protected even though, in certain regions, the police services were still mono-ethnic. Thanks to the efforts of the United Nations Mission in Bosnia and Herzegovina (UNMBIH) and the United Nations International Police Task Force (IPTF), progress had been made in establishing a multi-ethnic police force that was representative of the local population.

9. Human rights violations, which in most cases affected ethnic minorities, prevented refugees and displaced persons from returning to their homes and repossessing their property. The Government attached great importance to the return of those persons. It had even set up ambitious plans for 30 per cent of them to return home by the end of 2001. During the conflict, 2.2 million people had fled either abroad or to another region of the country. Currently in Bosnia and Herzegovina there were 25,000 refugees from Croatia and 13,000 from the Federal Republic of Yugoslavia.

10. Because of better economic cooperation between the various regions, freedom of movement of goods and people had not encountered any major problem. On the other hand,

economic difficulties were creating new tensions in society and particularly affected the most vulnerable categories of citizens, such as the disabled, the elderly, and demobilized and displaced persons. That was why the new Government would have to redouble its efforts to speed up the transition towards a market economy and attract foreign investment. It would also have to deal with corruption and money laundering. Such economic difficulties should not be used to justify violations of economic and social rights and discrimination.

11. Bosnia and Herzegovina was counting on the assistance of the international community in implementing the Dayton Peace Accords, particularly with regard to democratization and the return of refugees. The activities of the international community and of the peacekeeping forces had resulted in new arrests and war criminals being brought before the Hague Tribunal. A careful approach to that issue would increase confidence in United Nations institutions and thereby facilitate reconciliation, democratization and the protection of human rights.

12. The country's main humanitarian problem was the 28,532 persons reported missing. Lack of funds was slowing down the process of exhumation and identification of bodies. Joint action by police forces, UNMBIH and IPTF had resulted in the release of 250 women illegally brought into the country and forced into prostitution. Bosnia and Herzegovina supported such actions and encouraged cooperation with neighbouring countries in that context.

13. Although progress had been made in the area of human rights, much remained to be done. In that regard Bosnia and Herzegovina hoped soon to benefit from a technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

STATEMENT BY Mr. ABDURRAHMAN SHALGAM, SECRETARY-GENERAL OF THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISONS AND INTERNATIONAL COOPERATION OF THE LIBYAN ARAB JAMAHIRIYA

14. Mr. SHALGAM (Libyan Arab Jamahiriya) said that Libyan human rights doctrine was inspired by the international instruments on the subject and by the Great Green Charter of Human Rights in the Jamahiriyan Era, which set out the rights of Libyan citizens; specifically the Great Green Charter enshrined the equality of men and women, guaranteed the independence of the judiciary and set out all the economic, social and cultural rights of Libyan citizens.

15. Promoting the status of women was accorded great attention in Libya, which had banned polygamy. Women played a part in all walks of life, in the law, the armed forces and the diplomatic service. Libya was honoured to see a Libyan woman as a Vice-Chairperson of the Commission on Human Rights. At the national level, 35 per cent of the members of major People's Congresses were women, which was a very high percentage.

16. In accordance with Islamic tradition, children enjoyed complete protection in Libya, where education was free. Child labour was an offence punishable by law. A Supreme Committee on Childhood had been established as an independent body with unlimited authority in protecting children and their rights.

17. Muslim Libyan society rejected all forms of racism and racial discrimination. In that context, he refuted accusations that Libya had displayed racism towards black Africans. It was

well known that Libya was host to about one million foreign workers, mostly from fraternal, Arab and African countries. Those workers enjoyed all the guarantees established by domestic legislation and the International Covenants. In view of their number, not all of them were able to find the work in Libya to which they aspired, which explained why some had returned home. However, others, from black African countries, had sought to survive by illegal means, carrying out burglaries or indulging in smuggling. There had also been some brawls involving Libyan citizens and African workers, but they had quickly been brought under control. The authorities had been obliged to react and the offenders had been brought to trial. With the full cooperation of the governments concerned, arrangements had been made for their repatriation. Those who depicted such isolated incidents as racial practices were seeking to paint a distorted picture of Libya. The reality was that there had always been very close links, consecrated by marriage, between Libyans and their African brethren.

18. Libya had suffered a great deal from sanctions which had been unjustly imposed on it in the name of the United Nations and which had compromised its development. The international community knew that those sanctions had political objectives and that if they had not yet been lifted it was because of the stubbornness of the great power which dominated the Organization and was using it for its own ends. The unilateral sanctions were a flagrant violation of international law, which prohibited any State applying coercive measures against another country.

19. That same superpower was the one which was encouraging, protecting and providing material and political support for the usurping Zionist gangs that were guilty of flagrant violations of human rights in the occupied Palestinian territories. Without the assistance of that power, the Israelis would not have been able to continue to defy the entire international community, represented by the United Nations, and in particular the Commission on Human Rights, and would not have treated the inquiry commission recently dispatched by the Commission to the occupied territories in the manner that it had.

STATEMENT BY Ms. LYDIE POLFER, VICE-PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

20. Ms. POLFER (Luxembourg) said that consideration of human rights situations country by country, in which the Commission on Human Rights was now engaged, concerned the totality of States, reminding them that they had a common responsibility to humanity, of which they were the manifold reality. In that respect, Luxembourg, supported the stance taken in the Commission by the representative of Sweden, speaking for the first time on behalf of the European Union. The European Union had made respect for human rights a criterion of admission. That criterion, which applied outside the Union, necessarily applied also to member countries, which were under an obligation to face up to their own contradictions.

21. Voices had been raised in the Commission against the use of the Internet for racist propaganda purposes. It was true that virtual communication escaped censorship, and one therefore found in it both the worst and the best. Regulatory means must naturally be found in order to prevent abuses, not forgetting, though, that the key to a better future did not lie in holding back a technological breakthrough.

22. When the Taliban regime in Afghanistan attacked the vestiges of ancient civilizations it was exhibiting a culture of intolerance whose brutality was to be seen on a daily basis in the affronts to the lives of Afghan women and girls.

23. The fight against racism was also a fight for freedom of expression. In that sense it was regrettable that the preparatory regional conferences for the forthcoming World Conference had been affected by certain restrictions. When regionalism was in conflict with multilateralism it became a factor of exclusion. It was to be hoped that the Durban Conference would be able to acquire universal authority.

24. The inquiry commission into human rights violations in the occupied Arab territories, established following the fifth special session of the Commission on Human Rights, called on the European Union to play a more active role in reviving the dialogue between Palestinians and Israelis. The Barcelona process, which was the instrument of dialogue and cooperation that the European Union shared with a large number of Arab countries and Israel, should be able to contribute to that.

25. The conclusions just presented by the Chairman of the Working Group on the right to development showed that that right had not yet reached the point of acquiring genuine legal status. However, it was the reflection of an Enlightenment ideal and should be fostered because time was running out. As for cooperation between the European Union and the countries of Africa, the Caribbean and the Pacific, the Cotonou Accords marked a new stage and formed a partnership without paternalism or servility.

26. Abolition of the death penalty, for which the European Union was campaigning, represented renunciation of the exercise of an absolute power through respect for the rights of the individual. By enlisting with the Union against the execution of minors or of mentally handicapped people, Luxembourg was neither calling for pity nor contesting the validity of sentences. It was merely denouncing the abuse of State power as represented by capital punishment. Accepting such an abuse would be tantamount to admitting that human rights were relative.

27. The increase in the number of situations in which the State was failing in its duty to protect civilian populations was disturbing. That was particularly the case in Chechnya. She wished to remind the Russian authorities of the commitments they had undertaken vis-à-vis the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe.

28. The High Commissioner for Human Rights, Mrs. Robinson, had announced that she would be leaving her post at the end of the World Conference against Racism, an announcement that was a warning sign. By refusing to go beyond the Durban Conference, Mrs. Robinson was drawing a line in the sand for multilateral diplomacy. She was calling attention to the dangers of the erosion of the multilateral system, which she knew was fragile but whose unique character, and therefore value, she appreciated. The Durban Conference was an opportunity to refocus the international community's commitment to human rights. In that respect, the High Commissioner's announced departure placed on the international community an obligation to succeed. If things turned out differently her departure would have the bitter taste of disavowal.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, E/CN.4/2001/7, E/CN.4/2001/27, E/CN.4/2001/28, E/CN.4/2001/29, E/CN.4/2001/30, E/CN.4/2001/108, E/CN.4/2001/109, E/CN.4/2001/110, E/CN.4/2001/111, E/CN.4/2001/112, E/CN.4/2001/113, E/CN.4/2001/114, E/CN.4/2001/118, E/CN.4/2001/121, E/CN.4/2001/130, E/CN.4/2001/133, E/CN.4/2001/136, E/CN.4/2001/142, E/CN.4/2001/NGO/7, E/CN.4/2001/NGO/18, E/CN.4/2001/NGO/53, E/CN.4/2001/NGO/74, E/CN.4/2001/NGO/118, E/CN.4/2001/NGO/149, E/2000/112-E/CN.4/S-5/5 and Add.1, E/CN.4/S-5/3)

29. Ms. JAHAN (Observer for Bangladesh) said that her delegation fully endorsed the statement made the day before on behalf of the Organization of the Islamic Conference.

30. It was worth emphasizing that the reports submitted for consideration under the agenda item all spoke of gross violations of human rights in the occupied Palestinian territories and reached the same conclusions, namely that the on-going conflict, and its impact on human rights, was linked to the occupation itself, particularly to the settlements which were an obstacle to the peace process; that Israel was using indiscriminate and disproportionate military force and was guilty of extrajudicial executions, political assassinations and arbitrary destruction of property; and lastly, that Israel was imposing restrictions on freedom of movement and on access to humanitarian assistance. For far too long, the Palestinians had been denied their inalienable rights, including the right to self-determination.

31. Her delegation believed that a settlement of the conflict in the Middle East lay only in cooperation and reconciliation. Those were also the aspirations of the peoples on both sides. In her report (E/CN.4/2001/114), the High Commissioner for Human Rights had declared her readiness to facilitate dialogue between human rights bodies and civil society from both sides, as the inquiry commission set up by the Commission had also recommended. The applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territories was now well recognized, but it was necessary to make sure that its provisions were respected in the region. Furthermore, the World Conference against Racism must also respond to the major challenge posed by the false notion of the racial supremacy of a people calling itself "God's elect". The Conference must provide an opportunity for reflection and open the way for reconciliation. The leadership of both sides and members of civil society must prepare for it.

32. The Commission must act on the recommendations contained in the reports addressed to it by adopting a comprehensive resolution. It must then establish effective follow-up mechanisms to ensure that the recommendations were properly implemented. In that respect, the Commission, at its fifth special session in October 2000, had requested a number of Special Rapporteurs to visit the area and report on their findings. Regrettably they had not all gone since it would have enabled the Commission to consider reports based on actual findings.

33. The only path to a just and lasting peace and stability in the region was through peace negotiations conducted in a framework of respect for human rights and humanitarian law. She wished to conclude on a hopeful note by recalling what Archbishop Desmond Tutu had said a few days earlier. He had expressed the hope that the dream of peace between Arabs and Jews

would soon become a reality. That meant that the Commission must do all it could to revive the peace process.

34. Mr. ALLAABOODI (Observer for the United Arab Emirates) said that Israel did not content itself with shelling Palestinian territories, depriving them of water and electricity and isolating them from the rest of the world by sealing them off. By dividing up the territories Israel had effectively turned them into concentration camps. Israel's behaviour represented a challenge to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. In view of the war crimes committed by Israel in violation of international humanitarian law, the countries which had sponsored the peace process should intervene as a matter of urgency. They must demand that such attacks be halted and that the recommendations contained in Mrs. Robinson's report and the report of the inquiry commission be implemented. The United Arab Emirates expressed its firm support for those recommendations. The Security Council should be urged to send an observer force to the Palestinian territories to protect the population and prevent Israel continuing with its barbarous acts. The Palestinian people had the right to defend themselves until the occupation was ended. Meanwhile, they stood in need of urgent humanitarian assistance. The situation was getting worse by the day, as demonstrated by the heavy artillery attack by Israeli forces on Palestinian villages just the day before. That latest aggression must be resolutely condemned.

35. Mr. YONG Ho (Observer for the Democratic People's Republic of Korea) said that, despite the continuous efforts of the United Nations in the past decades to enable the Palestinian people to exercise their right to self-determination and re-establish peace in the Middle East, the situation had deteriorated in the occupied Arab territories and Palestine. No one could turn a blind eye to the human tragedy afflicting the region.

36. At its fifth special session on the situation in the occupied Palestinian territories, the Commission had adopted a resolution condemning the use of force by the Israeli occupying power. Pursuant to that resolution, the High Commissioner for Human Rights and an inquiry commission had visited the area. Their reports concluded that Israel should immediately halt the human rights violations and strictly respect international humanitarian law in the occupied territories. However, Israel continued to occupy the region by force and to commit atrocities, refusing to engage in any kind of cooperation with United Nations human rights mechanisms.

37. His delegation was deeply concerned about the situation and condemned the barbaric acts which the occupation forces were still carrying out. It supported the just cause of the Palestinian people, who aspired to restore their legitimate rights; it urged Israel to halt everything that could hinder the process of negotiation and peace in the Middle East and immediately put an end to its human rights violations, in keeping with relevant United Nations resolutions.

38. In conclusion, he was convinced that the Commission would not fail to review the implementation of the decisions taken at its fifth special session and adopt practical measures to end once and for all violations of the rights of Palestinians and to enable them to exercise their right to self-determination.

39. Mr. ALFARARGI (Observer for the League of Arab States) said that Israel was obviously determined to trample underfoot all human rights instruments, including the Universal

Declaration, the International Covenants, the Geneva Conventions and other international treaties. It was clearly evidenced in such inhuman practices as collective punishments, the destruction of houses, the confiscation of land to the build settlements and the diversion of water resources. The Israelis were freezing funds intended for the Palestinian people, tightening the blockade of the territories and turning them into small islands unable to communicate with one another. The international community must demand a ban on new settlements and the removal of those already in place. On the basis of the reports by Mrs. Robinson and Mr. Giacomelli, the international community must ensure the protection of the Palestinians and guarantee the return of refugees to their territory and their compensation. The Commission on Human Rights should submit appropriate recommendations to the Security Council.

40. Mr. KASRI (Observer for Tunisia) said that every day the world watched violations being committed by the occupying power in the Palestinian territories. The massacre carried out the day before by the Israeli army was yet another example. Not content with destroying the environment, dispossessing the Palestinians, carrying out extrajudicial executions and collective punishments, the Israelis were using tanks and helicopters to overcome a perfectly justified intifada. The reports by Mrs. Robinson and the inquiry commission had confirmed, if confirmation were needed, that the human rights situation in the Palestinian territories was continuing to deteriorate. The Commission must ensure that the recommendations contained in those reports were implemented. In that connection, there was good cause to wonder why some Special Rapporteurs - such as Mr. Nigel Rodley - had not thought it advisable to visit the Palestinian territories as the Commission had requested. Once again one wondered whether there was one law for the rich and another for the poor.

41. The international community should not content itself with condemnation; it must act. The Palestinian cause was a just cause. The time had come to do everything to ensure that it triumphed. There could be no peace until the Palestinian people had regained all their rights. The resolutions to be adopted by the Commission would be the yardstick for evaluating the international community's determination to secure respect for human rights.

42. Mr. EL TALIB (Observer for Sudan) said that the civilized world must react against the crimes committed by Israel. Using sophisticated weapons, the Israeli army was killing elderly people, women and children, destroying houses and turning the region into a huge prison. All those acts had been condemned by the Commission on Human Rights at its special session in October 2000. Sudan supported the conclusions contained in the reports of the High Commissioner and the inquiry commission. The international community must take specific measures and thereby prove that it was genuinely interested in the plight of the Palestinians. In particular, it must demand application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Just as it had intervened in Kosovo, Sierra Leone and other regions that were racked by conflict, the international community must intervene in the Middle East in order to secure implementation of Security Council resolutions 242 and 338, failing which it could legitimately be reproached for applying double standards on the international scene.

43. Ms. MEGALLY (Human Rights Watch) said that her organization's researchers in the West Bank and Gaza had documented dozens of human rights and international humanitarian law violations over the past six months. The Israeli security forces had committed by far the

most serious violations, indiscriminately using lethal force, arbitrary killings and collective punishment, and imposing excessive restrictions on freedom of movement. Soldiers enforcing Israel's closures policy regularly stopped Palestinian cars, and beat and humiliated drivers and passengers. Israeli soldiers in Hebron had said it was not their job to protect unarmed Palestinians from settlers who had destroyed their houses and cars and damaged their shops or crops.

44. The Palestinian Authority was also implicated in serious violations. It had failed to prevent Palestinian gunmen from firing on settlements and did not appear to have investigated assassinations of Israeli civilians or to have prosecuted those who were guilty. The Palestinian security forces had detained large numbers of Palestinians accused of having collaborated with Israel, had executed two of those alleged collaborators and sentenced three others to death after summary trials.

45. Israel and the Palestinian Authority refused to fulfil their obligations under international humanitarian law and to respect human rights standards. Israel had also refused to cooperate with the Commission's human rights mechanisms.

46. Human Rights Watch called on the Commission to urge the Security Council immediately to establish a permanent international presence in the West Bank and Gaza to report regularly on compliance by the parties with their international obligations. It also called on the Commission to request the Secretary-General to report every three months to the General Assembly on all parties' cooperation with and implementation of the recommendations of the United Nations human rights mechanisms. Lastly, Human Rights Watch called on Member States which were High Contracting Parties to the 1949 Geneva Conventions to take immediate action, individual and jointly, to ensure respect for the provisions of the Fourth Geneva Convention, and to reconvene the Conference of High Contracting Parties and establish an effective international mechanism to ensure implementation of that Convention in the occupied territories.

47. Ms. SCANELLA (Amnesty International) said that grave human rights abuses were still being committed in Israel and in the territories occupied by Israel, including the areas administered by the Palestinian Authority. Since the beginning of the current intifada in September 2000, more than 350 Palestinians, 100 of them children, had been killed by Israeli security forces, while 60 Israelis had been killed in attacks by armed Palestinian groups. In November 2000, the Israeli Government had established a commission of inquiry to examine the deaths of 13 Israeli citizens of Palestinian origin allegedly killed by Israeli forces during demonstrations. The Israeli security services had corroborated Amnesty International's findings that firearms had been used against the demonstrators. The Israeli Defence Force had also admitted to a policy of extrajudicial execution of individuals who had been neither charged nor brought to trial. Since the Israeli Government failed to order any inquiry, the security forces continued with impunity to violate human rights and humanitarian law. They had even had recourse in certain cases to torture, which had been banned in 1999 by the Israeli High Court of Justice.

48. Israeli civilians had been killed by Palestinians in bomb attacks and drive-by shootings. Palestinians accused of "collaboration" had been executed by the Palestinian security services or

killed by armed groups. The lack of investigations suggested that the Palestinian Authority condoned or even encouraged those killings.

49. Abuses carried out by Palestinian armed groups could not serve to excuse human rights violations perpetrated by the Israeli authorities. The Israeli Government had failed to cooperate fully with United Nations mechanisms, whether by meeting the United Nations Special Rapporteur on the situation of human rights in the occupied territories or receiving the member of the United Nations inquiry commission when they visited the region in February 2001. The Commission on Human Rights should request the Israeli Government to ensure that its forces refrained from using firearms when there was no imminent danger to life, should request the Israeli Government and the Palestinian Authority to investigate all killings and bring the alleged perpetrators to justice; and lastly should invite the Security Council to reconsider its recent decision not to deploy an international observer force in light of the recommendation of the inquiry commission that an effective international presence should be established in the occupied territories to monitor compliance by all parties with their obligations under international humanitarian law and human rights instruments.

50. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that in the world's conflicts States must always respect international legitimacy and the principles proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights. Israel had been established under General Assembly resolution 181, dated 29 November 1947, and known as the "partition resolution", which divided Palestine between its original Christian and Muslim Palestinian population and the migrating Jews from the Diaspora. Although that resolution was not satisfactory, because it was founded on racial considerations, and although the Palestinians had a right to reject it, it was still considered as the legitimate basis for the establishment of the State of Israel. Under that resolution, Israel was required to fulfil a certain number of conditions: respecting the borders set in the partition resolution; not to take any step to change the status of Jerusalem; and to permit the Palestinians to return to their homes whether those homes were in the area designated as belonging to Israel or elsewhere. It had to be said that Israel had not respected any of those conditions: it had occupied by force the other part of the territory defined in the resolution, attempted to redefine its boundaries, made claims on East Jerusalem and until now had not permitted Palestinian refugees to return to their homes. For all those reasons, the region had become centre stage for international conflicts that ran the risk of becoming real wars. The international community must ensure respect for international legitimacy and warn Israel's leaders that the political path they had chosen in the region, which could only have tragic consequences in the short and long term for all its inhabitants, including the Israelis themselves, was misguided.

51. Mr. HARRIS (American Jewish Committee) said that his organization, which had been working for international peace for a long time, was very concerned about the direction the Commission had taken at its special session in October 2000 and about the desire of some to see it continue along that path. Hijacking the work of the Commission for purely political purposes thwarted the defence of human rights and the quest for peace. If the Commission aimed to pursue justice, the State of Israel was waiting for it to do so with complete impartiality and without discrimination. Israel was the only country to be the subject of a distinct agenda item, item 8, while the situation in all the other countries in the world was considered under agenda

item 9. The mandate of the Special Rapporteur on the situation of human rights in the occupied territories was based on the principle that Israel was presumed to be guilty of violations. Furthermore, the Special Rapporteur inexplicably investigated only Israeli actions and never the behaviour of the Palestinians.

52. The Commission must not remain indifferent to the numerous flagrant violations of human rights committed by the Palestinians, even if it was politically convenient for some members. Moreover, some members of the Commission chose to ignore the historic opportunity to conclude a peace accord based on unprecedented undertakings, which had been offered by Israel in 2000. The Palestinian leadership had categorically rejected that deal, preferring to take a counter-productive all-or-nothing approach.

53. If the inquiry commission had demonstrated impartiality it would have found out the following fact: a minister of the Palestinian Authority had publicly admitted that the intifada was in fact premeditated; Jewish religious sites had been desecrated by Palestinians as part of a determined campaign to deny the historical and religious links uniting the Jews to the land; the Palestinian Authority was continuing its policy of incitement to violence; the Palestinian leadership had never condemned the acts of terror perpetrated against Israel both within and beyond the 1967 boundaries. Instead, in its report (E/CN.4/2001/121), the inquiry commission virtually endorsed Palestinian violence.

54. The American Jewish Committee once again called on the Commission on Human Rights to play a positive role in protecting the human rights of all, without discrimination, in the Arab-Israeli conflict. Adopting one-sided measures would only do the Commission, and equally the cause of peace, a grave disservice.

55. Ms. STUCKEY (Pax Christi International) said that members of the organization she represented had visited Israel and the occupied Palestinian territories in February 2001. They had found that the settlers had become more organized and were stepping up acts of violence against Palestinians civilians, who in turn responded with violence. The Jewish settlers had killed at least seven Palestinians, attacked 98 others in various ways and attacked 48 properties, even uprooting olive trees. The settlers seemed to have total freedom of action and the Israeli authorities did nothing to rein them in, whereas in accordance with the Fourth Geneva Convention relating to the Protection of Civilians in Time of War, it was the occupying power's duty to protect the Palestinian civilian population. Israel demonstrated notorious discrimination in the face of violence. As an example, the settler who killed a twelve-year-old Palestinian had been sentenced to six months' community service and payment of the equivalent of US$17,500 in compensation, whereas a seventeen-year-old Palestinian girl who had tried to stab a settler had been sentenced to six and a half years' imprisonment.

56. Pax Christi International called on the Israeli Government and its law enforcement agencies to respect the principle of the equality of everyone before the law and to protect Palestinians from attacks by settlers. It called on the Israeli judiciary to demonstrate impartiality in its sentencing policy. It called on the international community to put pressure on Israel to cease discriminatory practices in the occupied territories, and to ensure the safety of Palestinian civilians and their property. Pax Christi International urged the international community to implement Security Council resolution 1322 on the creation of an independent international

commission of enquiry and to establish an international observer force to protect the Palestinian population.

57. Ms. MIVELAZ (World Organization against Torture (OMCT) and Pax Romana) said that two organizations which were members of OMCT, namely the Palestinian Society for the Protection of Human Rights and the Environment (LAW) and the Public Committee Against Torture in Israel (PCATI), both denounced the use of torture in Israel during interrogations although the practice had been declared illegal in 1999 by the Israeli High Court of Justice. Incommunicado detentions without the possibility of access to lawyers and family members and other forms of cruel, inhuman or degrading treatment were also reported. No measure had been taken to prohibit those cases of ill treatment, to prosecute the people who committed them or to compensate the victims. According to the two organizations mentioned, there had been at least 10 extrajudicial killings of Palestinians - called "liquidations" by the Israelis - since 9 November 2000. According to a recent World Bank report, the restrictions imposed on the Palestinian population by virtue of the territory closures had led to a 50% increase in the poverty rate among the population. At present about one million Palestinians were living below the poverty line. The nature of the restrictions showed that they were a form of collective punishment against the Palestinian people as a whole, in violation of article 33 of the Fourth Geneva Convention, applicable to the occupied territories, which prohibited any form of collective punishment against civilian populations.

58. OMCT and Pax Romana strongly urged the Commission to request Israel to put an end to violations of human rights and humanitarian law and to prosecute those who committed them; to condemn the escalation of violence in the region as a result of those violations; to implement the resolution of the fifth special session; to adopt the recommendations of the High Commissioner for Human Rights and the inquiry commission; to call on the international community to secure respect for the Fourth Geneva Convention; and to recommend to the Security Council and the General Assembly the establishment of an international protection force in the occupied Palestinian territories.

59. Ms. HADDAD (World Young Women's Christian Association), speaking also on behalf of 13 other non-governmental organizations, said that the situation in the occupied territories of the West Bank, including East Jerusalem and the Gaza Strip, had never been so deplorable. Putting an end to the occupation of those territories was the essential condition for ending the human rights violations which the world had been witnessing in the region for decades. Routine collective punishments, the demolition of homes, the uprooting of olive trees and fruit trees, the confiscation of land for so-called security reasons, arbitrary arrests, prevention of access to medical services even in emergencies: the list of flagrant violations committed by Israel had been known to the Commission for years and it had been reminded of them at its special session in October 2000. Quite recently, the Israeli Prime Minister had announced the building of thousands of housing units for settlers in the occupied territories. The result was a worsening of the situation and a sense of desperation among the Palestinians.

60. The non-governmental organizations she represented called for the creation of an independent State for the Palestinians and secure borders for Israel, with justice and security as the foundations of any future peace negotiations. They called on the Commission at the very least to demand the following so that the situation could return to normal: an end to closures and

economic blockades; the removal of obstacles to children getting a normal education; restoring access to medical services; and permitting peaceful demonstrations against the occupation. Lastly, the World Young Women's Christian Association and the associated non-governmental organizations called on the Commission strongly to recommend to the Security Council the urgent establishment of an international body to guarantee the physical protection of Palestinians in the occupied territories. They urged the Commission to consider the possibility of establishing an international monitoring body in the territories in accordance with the recommendations contained in the report of the High Commissioner for Human Rights (E/CN.4/2001/114).

61. Mr. THOMAS (International Save the Children Alliance) said that the systematic sealing off of Palestinian towns and territories, which constituted a form of collective punishment and was accompanied by excessive use of force, also represented a violation of the rights of children to life, development and education.

62. The road closures and the clashes near the roadblocks meant that both children and teachers were unable to get to school. About 40 schools had been forced to close; by 17 February 2001, four schools in Hebron had been commandeered by the Israeli army, five had been bombed and many others had come under fire. Children had been killed on their way to or from school.

63. Because of the Israeli authorities' closures policy the proportion of the Palestinian population living below the poverty line had risen from 11 per cent by the beginning of 2000 to 45 per cent by the end of November 2000.

64. Approximately two thirds of the Palestinian Authority's revenues came from customs duties collected by Israel, which was withholding the revenues, and leaving the Palestinian Authority unable to pay teachers' salaries.

65. Israel was therefore violating the rights of Palestinian children to education, a right it was required to respect under many international instruments to which it was a party. Palestinian children were acutely aware of their rights and of the injustice to which they were being subjected. A very small number reacted by taking part in confrontations. Between 28 September 2000 and 15 March 2001, 133 Palestinian children under the age of 18 had been killed, 2,734 injured, and countless others psychologically affected.

66. In conclusion, International Save the Children Alliance called on the Commission to urge Israel to ensure the proper working of educational institutions and act in accordance with its international obligations. It also urged the Commission to protect the rights of Palestinian children through an international presence in the Palestinian territories.

67. Mr. ASGHAR NEMAKI (Organization for Defending Victims of Violence (ODVV)) said that the Palestinians had a perfect right to rebel against the Zionist regime, which was systematically violating their rights. The pictures of a child being killed at his father's side by Israeli forces were a cruel illustration of that situation.

68. Israel was using highly sophisticated weapons against Palestinian civilians, including children. In November 2000, a member of ODVV had witnessed Israeli helicopters launching missiles against a residential area in Ramallah.

69. The Israelis were not merely content with detaining Palestinians without trial, torturing them during interrogations, demolishing homes, attacking holy places and building illegal settlements on Palestinian lands. Since the outbreak of the intifada they had killed some 400 persons, including about 50 children.

70. Since Ariel Sharon came to power the siege of Palestinian towns, villages and refugee camps had been tightened, preventing the population from exercising its rights to education, freedom of movement, medical care and work. Israeli forces were also targeting those who witnessed their wrongdoings: on 8 March 2001 they had opened fire on three Reuters journalists.

71. It was time for the international community in general and the Commission on Human Rights in particular to take concrete measures to put an end to the crimes against humanity committed by Israeli occupation troops and to ensure that the Palestinian people could exercise their right to self-determination.

72. Mr. GIMBERNAT (Federation of Associations for the Defence and Promotion of Human Rights) said that the Palestinian people had been struggling tirelessly for 50 years to exercise their legitimate right to self-determination and to establish a sovereign and independent State.

73. The negotiations the Israelis and Palestinians had been conducting for seven years, without the participation of the United Nations, had failed. The majority of organizations for the defence of human rights supported those negotiations, hoping that the good will of the negotiators would enable a just and lasting peace to be established throughout the Middle East. Unfortunately, Israel refused to regard itself as an occupying power and therefore to withdraw from all territories occupied in 1967, including East Jerusalem, as required Security Council resolutions 242 and 338. Since the Oslo Accords of 1993, Israel had even continued building settlements in those territories. Furthermore, it was doing all it could to hinder the development of the Palestinian economy.

74. The United States of America, which had presented itself as a guarantor of those accords, had in fact taken the side of the Israelis, who thumbed their noses at a very large number of resolutions adopted by the Security Council and the General Assembly over the past 55 years which were favourable to the rights of the Palestinians.

75. In view of the seriousness of the situation, the United Nations seemed to be the only international body capable of monitoring respect for the agreements concluded between Palestinians and Israelis and implementation of resolutions adopted by its various bodies.

76. Ms. ESKIDJIAN (Commission of the Churches on International Affairs of the World Council of Churches) said that the World Council of Churches was gravely concerned at the non-implementation of countless United Nations resolutions on the occupied territories and at the increasing number of violations of the rights of Palestinians by Israel: restrictions on

freedom of movement, particularly with regard to access to holy places, disproportionate use of force, destruction of property and so on.

77. The closures of towns and villages, the bombing of civilian neighbourhoods and the impoverishment of the Palestinian population could only exacerbate the violence and increase the number of innocent Israeli and Palestinian victims.

78. In order to remedy that tragic situation, Israel must put an end to the military occupation of Palestinian territories in accordance with the relevant United Nations resolutions, immediately cease using force against unarmed civilians in strict respect of the Fourth Geneva Convention, accept visits by Special Rapporteurs to the occupied territories and the establishment of an effective international presence to ensure protection of the Palestinians, and lastly, to engage in negotiations for a comprehensive, just and lasting peace.

79. Mr. ABU HARTIEH (Al-Haq - Law in the Service of Man) began by thanking the Office of the United Nations High Commissioner for Human Rights and the members of the United Nations inquiry commission for all their efforts.

80. Throughout the peace process, the Israeli authorities had continued to confiscate Palestinian land and build settlements. Now that the occupation forces were encountering very strong resistance, they were targeting the civilian population, in disregard of international law, and were using excessive force. In the past six months, 383 Palestinians, including 99 children, had been killed and more than 12,000 injured, and about 15 per cent of whom would remain disabled for the rest of their lives. In most instances, Israeli soldiers were deliberately targeting the heads and torsos of demonstrators.

81. Collective punishment, particularly closures, was being used officially to put pressure on Palestinian civilians and their leadership to end the intifada.

82. Israeli forces were systematically attacking Palestinian medical personnel. Ambulances from the Palestinian Red Crescent Society had been targeted on 120 separate occasions. Hospitals, educational institutions and civilian neighbourhoods were not spared. In order to ensure protection of the rights of the Palestinian people, an international protection force should be deployed in the occupied territories under the auspices of the Security Council; the High Contracting Parties to the Fourth Geneva Convention should be encouraged to enforce the provisions of the Convention and its Protocol; the General Assembly of the United Nations should be urged to adopt effective measures, including economic sanctions, against Israel to oblige Israel to respect United Nations resolutions, including Security Council resolutions 194, 242 and 338; and a human rights monitoring mission should be sent to the occupied territories to document all violations of the rights of Palestinians committed by the Israeli occupation forces.

Statements in exercise of the right of reply

83. The CHAIRPERSON invited delegations wishing to exercise their right of reply to do so.

84. Mr. NASR (Observer for Lebanon) said that contrary to what had been claimed by the observer for Israel, he had never said that Israel had totally withdrawn from South Lebanon. In

fact, thousands of mines laid by the Israeli Army in south Lebanon continued to cause injuries among civilians and Israel had still not provided the Lebanese with maps showing where the mines had been placed, in spite of many requests to do so.

85. Mr. LEVY (Observer for Israel), replying to previous speakers, said that in the past three days suicide bomb attacks in Netanya, Jerusalem and Petah Tikva had killed three children and wounded forty persons, mostly children. Also, a Palestinian sniper had killed a 10-month-old baby in Hebron. Acting in legitimate self-defence and not against innocent stone-throwers, as some representatives had stated, Israel had attacked military targets belonging to elements of the Palestinian Authority involved in terrorism, namely Force 17. The targets had been a training camp in Gaza, an arms depot near Jabaliya, an armoured vehicle belonging to the Palestinian Authority in Gaza, and the Force 17 headquarters in Ramallah. Those responsible for encouraging and planning terrorist activities in Israel itself against the civilian population, particularly children, should not be surprised that Israel reacted as it did.

86. The events should be placed in context. In 1993, Israelis and Palestinians had decided to move from confrontation to mutual recognition with a view to establishing peace. Since that date several agreements had been signed and implemented.

87. The previous summer the two parties had begun negotiations on extremely sensitive issues, such as refugees, the status of Jerusalem and settlements. The Palestinian Authority had decided to break off those negotiations at the end of the summer and resort instead to violence. The tragic outcome of that decision was clear to all.

88. It was not too late to change the course of events, to call for an end to violence, to fight against terrorism, to lift closures and restrictions and to return to the negotiating table so as to avoid further casualties on both sides.

89. As for Lebanon, Israel had implemented Security Council resolution 425, and both the Security Council and the Secretary-General of the United Nations had testified that Israel had fully withdrawn from south Lebanon. As for the mines, the United Nations Interim Force in Lebanon (UNIFIL) had signed a document, which he would make available to the Lebanese delegation, attesting to the fact that the minefield maps had been transferred to the Lebanese authorities.

90. Mr. NASR (Observer for Lebanon) said that the document mentioned by the observer for Israel dated back to 5 June 2000.

The meeting rose at 1.05 p.m.